

## DETAILED ACTION

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Agent Glen Farbanish on July 17, 2008.

#### **Please amend claim 1 as follows:**

1. (Currently Amended) An apparatus for implementing an automated auction process, the apparatus comprising:

a processor; and

a memory operable to:

store a profile associated with a first user; ~~and~~

store data regarding a plurality of animated characters; and

store a program for controlling the processor;

[[a]] the processor communicatively coupled to the memory and to a plurality of workstations, wherein a first workstation is associated with a first user, and wherein the program controls the processor ~~is operable~~ to:

determine a first animated character ~~based at least in part on the profile associated with the first user;~~

receive a first bid for an item from a workstation associated with a user;

cause the first workstation to display the first animated character as an animated auctioneer that announces the first bid for the item;

receive a second bid for the item from a workstation associated with another user;

determine that the second bid is a current highest bid for the item; ~~and~~

cause the animated auctioneer to announce the second bid for the item based at least in part on determining that the second bid is the current highest bid for the item;

determine that a subsequent bid for the item has not been received within a first pre-determined time period after announcing the current highest bid;

cause the animated auctioneer to make a first announcement regarding termination of bidding based at least in part on the determination; and

cause the first workstation to display a second animated character as an animated bid spotter that solicits bids from the first user after the first announcement.

**Please amend claim 41 as follows:**

Please replace the number "36" in line 1 of the claim with the number "1".

**Please amend claim 42 as follows:**

Please replace the number "36" in line 1 of the claim with the number "1".

**Please amend claim 93 as follows:**

Please replace the number "88" in line 1 of the claim with the number "47".

**Please amend claim 94 as follows:**

Please replace the number "88" in line 1 of the claim with the number "47".

***Allowable Subject Matter***

Claims 1-35, 37-87, and 89-100 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Statement of allowance is in reference to independent claims 1 and 47. All other claims are dependent on these claims.

The present application is directed to a method and apparatus for an automated auction. The auction comprises a first and second animated character for conducting the auction. The first animated character is an auctioneer that makes an announcement about the bids, and the second animated character is a bid spotter that solicits bids from a user.

The independent claims are allowable for the reasons set forth in the Office Action mailed on January 1, 2008.

Discussion of the most relevant prior art:

The following references have been identified as the most relevant prior art to the claimed invention.

(i) "<http://www.ebay.com> (printed July 28, 2003)" ("eBay"): eBay generally discloses an online auction. However, eBay does not teach or suggest a first animated character that makes an announcement about the bids, and a second animated character that solicits bids from a user.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naeem Haq/  
Primary Examiner, Art Unit 3625  
July 19, 2008